IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

Bail Appl..No. 7164 of 2007()

CRIME NO.254/07 OF SREEKANDAPURAM POLICE STATION
.....

PETITIONER/ACCUSED:

SIYAD N., S/O. ABDULLA,
AGED 19 YEARS, NADUKUNNUMMAL, CHENGALAYI AMSOM,
DESOM, TALIPARAMBA TALUK.

BY ADV. SRI.BLAZE K.JOSE

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
REPRESENTING SUB INSPECTOR OF POLICE,
SREEKANDAPURAM POLICE STATION.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.7164 of 2007

Dated this the 21st day of November 2007

O R D E R

Application for regular bail. The petitioner faces allegations under Section 376 I.P.C. The crux of the allegations is that the petitioner fraudulently induced a young girl aged about eighteen years to go with him to a lodge room where he had sexual intercourse with her on the promise to marry her. On the next morning, he left her in the lurch and threatened her not to reveal what happened to anyone. Disappointed and disheartened, the girl lodged a complaint. F.I.R has been registered. The petitioner was arrested on 19/10/2007. He continues in custody from that date.

2. The learned counsel for the petitioner submits that he is totally innocent. All the allegations are false. Even going by the allegations, there is no element of any sexual intercourse without the consent of the victim. In these circumstances, the petitioner who has remained in custody from 19/10/2007 may be granted bail.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor points out that the facts are strange and the totality of circumstances including the allegations and the explanation offered by the petitioner must satisfy the court that this is a clear case of a young gullible victim being induced fraudulently to go with the petitioner and compelled fraudulently to consent to sexual intercourse with him on the lure of love and marriage.

4. I have considered all the relevant inputs. The facts do appear to me to be strange; but on the total consideration of all the relevant inputs, I find the opposition of the learned Public Prosecutor to be perfectly justified. The sequence of events and the materials collected clearly indicate that the gullible victim who had gone to the theatre along with her parents had got acquainted with the petitioner and had been lured on the next day to go with him to the lodge where the unsuspecting girl was subjected to sexual intercourse on the lure and promise of marriage. I am satisfied from a total consideration of all the relevant inputs that the petitioner is not entitled to be enlarged on bail now.

5. In the result, this petition is dismissed. However, I may hasten to observe that the petitioner shall be at liberty to move this court or the Sessions court for bail again at later stages of the investigation not, at any rate, prior to 05/12/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007